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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,207	02/26/2002	Jung-Fu Chien	1211026	8014

7590 03/22/2004  
PRO-TECHTOR INTERNATIONAL  
20775 Norada Court  
Saratoga, CA 95070-3018

EXAMINER

PIERCE, JEREMY R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/085,207

Applicant(s)

CHIEN, JUNG-FU

Examiner

Jeremy R. Pierce

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group I, claims 1-4 on January 12, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "strip-shaped webs." What shape does a strip have? Are there particular dimensions to a strip? The Examiner will assume that any rectangular shape can be considered to have a strip-shape.

Claim 1 recites "the at least two sets of belts *may* divide" (emphasis added). Claim 1 also recites "two sets of rollers whose center of shaft is adjustable *may* be used" (emphasis added). Additionally, claim 1 recites "the layers of strip-shaped webs *may* overlap each other, and the overlapped layers of strip-shaped webs *may* be conveyed into a crosslapper" (emphasis added). The manner in which the claim is

constructed seems to indicate that it is a product by process claim. However, it is not clear whether these processing limitations are required. Are they required to create the product? Are they optional processing steps that may be used to create the process? Are they reciting an intended use of the product? Applicant is only claiming that these processing limitations *may* be done to the single-layer or multi-layer web. Must they be done? What is the resulting structure of the product if they are done? The Examiner must give the claims their broadest interpretation, and currently, they appear to only be reciting intended processing limitations, and are thus not currently given any patentable weight.

Claim 2 recites "forming a raw material." What is a raw material? How is it formed? What structure does it have?

Claim 2 recites "a raw material which *may* be processed by opening fiber, blending fiber, hopper, carding, slicing and overlapping, crosslapper, heat treatment, cooling, slicer, and cutting blocks" (emphasis added). This is confusing for many reasons. First, the list consists of both verbs and nouns. If they are truly processing limitations, they should be verbs (i.e. slicing and overlapping). However, it is unclear how a raw material may be processed by hopper, crosslapper, slicer, or cutting blocks because these are nouns and not verbs. Secondly, the claim is confusing because it is not clear if these processing limitations are required, optional, or the recitation of intended uses (as set forth above with regard to claim 1). The Examiner must give the claims their broadest interpretation, and currently, they appear to only be reciting intended processing limitations, and are thus not currently given any patentable weight.

Claim 2 recites a "heat-melted fiber." Is the fiber a binder fiber that is capable of being melted? Or is it already melted? If it is melted already, does it still have the structure of the fiber? If so, then how?

Claim 3 recites "a raw material which may be processed by opening fiber, blending fiber, hopper, carding, slicing and overlapping, crosslap, bonding agent treatment, heat treatment, cooling, slicing, and winding." Again, the list consists of both verbs and nouns. Also, the claim is confusing because it is not clear if these processing limitations are required, optional, or the recitation of intended uses (as set forth above with regard to claim 1). Are all of these processing steps necessary? Would doing some negate doing others (i.e. would heat treating negate bonding agent treating?)? If so, how does one determine which are necessary? Claim 3 later recites "the bonding agent treatment may proceed a top side spraying and a bottom side." What does this mean? Again, this appears to be an optional processing step that is not affirmatively recited. The Examiner must give the claims their broadest interpretation, and currently, they appear to only be reciting intended processing limitations, and are thus not currently given any patentable weight.

Claim 4 also recites various limitations that *may* occur. It is not clear if these processing limitations are required, optional, or the recitation of intended uses (as set forth above with regard to claim 1). The Examiner must give the claims their broadest interpretation, and currently, they appear to only be reciting intended processing limitations, and are thus not currently given any patentable weight.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Genba et al. (U.S. Patent No. 4,809,493).

Genba et al. disclose a nonwoven web (Abstract). As stated before, it is not clear that the subsequent processing limitations are positively recited in the claims. Therefore, they aren't given patentable weight. With regard to claim 2, Genba et al. disclose an embodiment with 80% primary fiber and 20% binder fiber (column 32, lines 3-14). With regard to claim 4, the fibers may be crimped tow (column 31, lines 38-40).

***Conclusion***

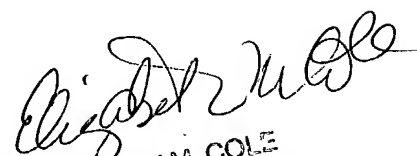
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (571) 272-1479. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRP  
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ELIZABETH M. COLE  
PRIMARY EXAMINER